

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 21, 2003**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Noble and Stennett, absent and formally excused by the Chair; and Senators Cameron, Gannon, Lodge, Noh, Pearce, Schroeder, Sorensen, Stegner, Sweet, and Williams, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Mendi Ward, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Gannon and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 20, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Cameron, Schroeder, and Sorensen were recorded present at this order of business.

March 21, 2003

The JUDICIARY AND RULES Committee reports that **S 1171** and **S 1172** have been correctly printed.

DARRINGTON, Chairman

S 1171 and **S 1172** were referred to the State Affairs Committee.

March 20, 2003

The JUDICIARY AND RULES Committee reports that **S 1016**, **S 1120**, and **S 1130**, as amended, have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1016**, **S 1120**, and **S 1130**, as amended, and ordered them transmitted to the House for the signature of the Speaker.

March 20, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1042** was delivered to the Office of the Governor at 1:50 p.m., March 20, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 20, 2003

The HEALTH AND WELFARE Committee reports out **S 1165** with the recommendation that it do pass.

COMPTON, Vice Chairman

S 1165 was filed for second reading.

March 20, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 136** and **H 177** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 136** and **H 177** were referred to the Fourteenth Order of Business, General Calendar.

March 20, 2003

The HEALTH AND WELFARE Committee reports out **H 199**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Vice Chairman

There being no objection, **H 199**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2003

March 20, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 248**, **H 313**, and **H 331** with the recommendation that they do pass.

ANDREASON, Chairman

H 248, **H 313**, and **H 331** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Williams was recorded present at this order of business.

March 20, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1041

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Lodge and Noh were recorded present at this order of business.

March 20, 2003

Mr. President:

I transmit herewith **HJM 8**, and I return herewith **S 1066** and **S 1059**, which have passed the House.

JUKER, Chief Clerk

HJM 8 was filed for first reading.

S 1066 and **S 1059** were referred to the Judiciary and Rules Committee for enrolling.

Mr. President:

I transmit herewith Enrolled **HJM 4**, **HCR 25**, **H 71**, as amended, **H 276**, **H 263**, **H 102**, **H 298**, **H 330**, **H 171**, **H 291**, and **H 67** for the signature of the President, and I return herewith Enrolled **S 1061**, **S 1067**, **S 1068**, and **S 1078** which have been signed by the Speaker.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HJM 4**, **HCR 25**, **H 71**, as amended, **H 276**, **H 263**, **H 102**, **H 298**, **H 330**, **H 171**, **H 291**, and **H 67** and ordered them returned to the House.

Enrolled **S 1061**, **S 1067**, **S 1068**, and **S 1078** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

HJM 8, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Pearce and Sweet were recorded present at this order of business.

H 140 and **H 302**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 232, as amended, by Local Government Committee, was read the second time at length and filed for third reading.

H 15, by Mr. Speaker, was read the second time at length and filed for third reading.

H 347, **H 348**, **H 349**, **H 350**, **H 351**, **H 352**, **H 353**, **H 354**, **H 355**, and **H 361**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1160, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1168, by Finance Committee, was read the second time at length and filed for third reading.

S 1167, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 321, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1090, H 150, H 64**, as amended, **H 9**, as amended, and **H 199**, as amended, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1090 AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 21 through 41; and delete pages 2 through 5, and insert:

"SECTION . That Title 70, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 22, Title 70, Idaho Code, and to read as follows:

CHAPTER 22 LAND-BASED PORT DISTRICTS

70-2201. LAND-BASED PORT DISTRICTS AUTHORIZED -- OBJECTS AND PURPOSES. Land-based port districts are hereby authorized for the acquirement, construction, maintenance, operation, development and regulation of transfer and terminal facilities, industrial and economic development, and other development, facilities, and services, reasonably incident to a modern, efficient and competitive port, which need not be adjacent to navigable waters, and may be established under this chapter in any county or counties as so provided.

70-2202. FORMATION OF DISTRICT -- GENERAL. Land-based port districts shall be formed as follows:

(1) Pursuant to an election called for that purpose by the board of county commissioners of any county, which qualifies under section 70-2201, Idaho Code, subject to the provisions of section 34-106, Idaho Code; or

(2) Pursuant to a petition of ten percent (10%) of the qualified electors of such county, based on the total vote cast in the county in the last general election, that the proposition of creating a land-based port district with boundaries coextensive with the boundaries of such county shall be submitted to the voters of such county.

70-2202A. REGIONAL LAND-BASED PORT DISTRICT. Two (2) or more counties may form a regional land-based port district in the same manner provided for formation of a district in a single county, with all counties seeking to be included in the regional district subject to the same requirements as set forth pursuant to the provisions of this chapter, as if the district were being formed in a single county. A regional land-based port district shall not be created unless at such election, in each county

to be included within the regional district, a majority of the qualified voters voting upon such proposition shall vote in favor of the formation. In the event the proposition for formation of a regional district fails in any county that was to be included in the regional district, the regional district shall not be formed, whether or not a majority of qualified voters in another county or counties to be included in the regional district voted in favor of the formation. Elections in the relevant counties shall be held simultaneously. Regional land-based port districts shall be subject to all provisions of this chapter in the same manner as land-based port districts formed in single counties.

70-2203. PETITION -- FILING AND CERTIFICATION. A petition for the formation of a land-based port district shall be filed with the clerk of the county within which the district is to be formed, who shall within fifteen (15) days examine the signatures thereon and certify to the sufficiency or insufficiency thereof, and for such purpose the county clerk shall have access to all registration books in the possession of the officials of any municipal corporation in such proposed land-based port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten (10) days, when the same shall be returned to the said clerk, who shall have an additional fifteen (15) days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the first filing of the same with the said clerk.

70-2204. PETITION -- TRANSMISSION TO COUNTY COMMISSIONERS. Whenever such petition shall be certified to as sufficient, the clerk shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners of the relevant county who shall submit such proposition at the next election to be held pursuant to the provisions of section 34-106, Idaho Code, following the date of such certificate.

70-2205. ELECTION -- NOTICE. The board of county commissioners shall direct the county clerk to give notice of such election by publishing notice thereof at least twice, the first of which shall be not less than twelve (12) days prior to the election and the last of which publication shall be not less than five (5) days preceding such election as provided in section 34-1406, Idaho Code. The notice of election shall state the boundaries of the proposed land-based port district and the object of such election.

70-2206. ELECTION -- FORM OF BALLOT. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Port of Yes."

"Port of No."

(Giving the name of the proposed land-based port district as determined by the board of county commissioners.)

70-2207. LAND-BASED PORT DISTRICT FORMATION. Within five (5) days after such election, the board of county commissioners shall canvass the returns; and, if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the board shall so

declare in its canvass of the returns of such election, and such land-based port district shall thereupon be and become a municipal corporation of the state of Idaho and the name of each land-based port district shall be "Port of" (inserting the name appearing on the ballot).

70-2208. ANNEXATION OF LAND TO DISTRICT -- PETITIONS. The boundaries of any land-based port district may be altered and new territory may be annexed thereto as follows:

(1) An enlarged land-based port district may include one (1) or more adjacent counties, provided the boundaries are coextensive with the annexed county or counties.

(2) Such territory to be annexed must be contiguous to the existing land-based port district and in one (1) continuous tract.

(3) Such annexation may be made only upon the petition of at least ten percent (10%) of the qualified voters of each county proposed to be annexed based upon the whole number of votes cast in each respective county at the last preceding general election.

(4) Any such petition shall contain the name of the land-based port district proposed to be enlarged, a description of the exterior boundaries of the territory to be annexed, and shall refer to this section of the Idaho Code. Any person signing such petition shall, in addition to signing his name thereon, write thereon his residence address. The petition shall be presented to the clerk of the county or counties wherein the territory to be annexed lies.

70-2209. ANNEXATION -- CERTIFICATION OF PETITION. If the county clerk or clerks shall find the said petition to be in proper form, and to be signed by the proper number of qualified voters of such areas within their county, they shall so certify to the commissioners of their respective counties, and to the board of county commissioners of the county in which the existing land-based port district is located. The petition shall be certified at least sixty (60) days before the date of the election herein referred to and the procedure, if such petition shall be found insufficient and for the amending thereof, shall be the same as herein provided for petitions for the formation of land-based port districts.

70-2210. ANNEXATION -- ELECTION. The commissioners of the county or counties to be annexed, as well as the commissioners of the county wherein the existing land-based port district is located, shall submit the proposition to the voters of such area within the respective counties at the next election held pursuant to section 34-106, Idaho Code. Except as in this section otherwise provided, the procedure for submitting the proposition shall be the same as herein provided for the original formation of a land-based port district. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballots substantially in the following terms:

"Enlargement of Port of, Yes." (Giving the name of the land-based port district);

"Enlargement of Port of, No." (Giving the name of said land-based port district).

The said elections in the relevant counties shall be held simultaneously.

70-2211. ANNEXATION -- CANVASS AND DECLARATION OF ELECTION RESULTS. At the time provided by law for the canvass of the vote of the election, the commissions of the relevant counties shall canvass the returns of the area of their respective counties and declare the results of

such election in each county. The annexation shall be deemed approved only if a majority of the votes cast in the existing land-based port district were in favor of the proposal and, in addition thereto, a majority of the votes cast in the area proposed to be annexed were in favor of the proposal.

70-2212. ANNEXATION -- ENTRY OF ORDER -- LIABILITIES FOR OUTSTANDING INDEBTEDNESS. If a majority of votes cast in the land-based port district and, in addition thereto, a majority of the votes cast in the area to be annexed, favor such annexation, the governing body in each county in which any such land shall lie shall enter an order declaring such land-based port district enlarged so as to embrace within the limits thereof the territory described in the petition for such election, and thereupon the boundaries of said land-based port district shall be so enlarged and the port commissioners thereof shall have jurisdiction over the whole of said district as enlarged to the same extent, and with like power and authority, as though the additional territory had been originally embraced within the boundaries of the existing land-based port district; provided however, that none of the lands or property embraced within the territory added to and incorporated within such land-based port district shall be liable to assessment for the payment of any outstanding bonds, warrants or other indebtedness of the preexisting land-based port district so enlarged, but such outstanding bonds, warrants or other indebtedness together with interest thereon, shall be paid exclusively from assessments levied and collected on the lands and property embraced within the boundaries of the preexisting land-based port district.

70-2213. COMMISSIONERS -- COMMISSIONER DISTRICTS. The powers of land-based port districts shall be exercised through a port commission consisting of three (3) members, one (1) from each of the three (3) county commissioner districts of the county in which the land-based port district is located. One (1) commissioner shall be elected from each of said commissioner districts. Provided however, the powers of regional land-based port districts shall be exercised through a port commission consisting of three (3) members from each county comprising the regional district, one (1) from each of the three (3) county commissioner districts of each county in which the regional district is located.

70-2214. COMMISSIONERS -- QUALIFICATIONS. No person shall be eligible to hold the office of port commissioner unless he is a qualified elector of the state of Idaho and a resident of the district from which he is seeking office.

70-2215. COMMISSIONERS -- FIRST ELECTION. At the same election at which the proposition is submitted to the voters as to whether a land-based port district shall be formed, three (3) commissioners shall be elected to hold office from each county to be included within the district, respectively for the terms of two (2), four (4) and six (6) years. In each county, all candidates at the formation election shall be voted upon by the entire county, and the candidate residing in commissioner district number one receiving the highest number of votes shall hold office for the term of six (6) years; and the candidate residing in commissioner district number two receiving the highest number of votes shall hold office for the term of four (4) years; and the candidate residing in commissioner district number three receiving the

highest number of votes shall hold office for the term of two (2) years. In all subsequent elections in the county of original formation, the port commissioners shall likewise be elected at large within that county.

70-2216. COMMISSIONERS FOR ANNEXED AREA. At the same election at which a proposition for annexation of land to an existing district is submitted to vote, three (3) commissioners shall be elected by the voters in each county proposed to be annexed to represent such area in case such annexation shall be accomplished as a result of such election. Such commissioners shall be elected, hold office, and be succeeded pursuant to the same provisions for commissioners as set forth in section 70-2215, Idaho Code. Such commissioners shall have the same qualifications as herein provided for other commissioners of the district, and shall be residents of the annexed area. If the annexation shall be accomplished, the port commission shall thereafter consist of the commissioners of the original land-based port district and the commissioners for such annexed county or counties.

70-2217. REVISION OF COMMISSIONER DISTRICTS AUTHORIZED. The commission by resolution may, and upon petition signed by not less than two hundred fifty (250) electors residing in the area to be redistricted, shall, reestablish the boundaries of the commissioner districts so that each such commissioner district shall comprise as nearly as possible an equal portion of the population of the land-based port district, provided that no county voting precinct shall be divided by the boundary lines of a commissioner district.

70-2218. PUBLIC MEETING FOR REVISION -- NOTICE. The revision of boundary lines provided for in this chapter shall be made only at a meeting of the port commission with attendance of all of the members of the commission, which meeting shall be public. The port commission shall give notice of such meeting by publishing the same in a daily newspaper of general circulation within the land-based port district, or if there be no such daily newspaper, then in a weekly newspaper of general circulation within such land-based port district. Such notice shall be published not less than once per week for two (2) consecutive weeks, the date of the first publication to be not more than twenty (20) days prior to the date fixed for such meeting. Such notice shall state the time, place and purpose of the meeting.

70-2219. CHANGE NOT TO AFFECT EXISTING TERMS OF OFFICE. Any change of boundary lines provided for in this chapter shall not affect the terms of commissioners already in office at the time the change is made.

70-2220. APPLICATION OF PORT DISTRICT PROVISIONS. Unless otherwise provided in this chapter, all provisions of chapters 12, 14, 15, 16, 17, 18, 19, 20 and 21, title 70, Idaho Code, shall also apply to land-based port districts. Provided however, that:

- (1) Any reference to "harbor improvement" or "harbor improvement and port improvement" shall be considered, for the purposes of this chapter, a reference to "port improvement" and "harbor and/or port improvement" respectively;
- (2) With respect to the fixing of rates and charges as provided in section 70-1505, Idaho Code, land-based port districts

are further authorized to fix, subject to regulation, all such charges upon, in addition to those set forth in section 70-1505, Idaho Code, other port facilities owned by the state of Idaho, and operated by a district pursuant to lease or agreement with the state.

70-2221. DISINCORPORATION. (1) A land-based port district may disincorporate after proceedings had as required by this section. The land-based port district commission shall, upon receiving a petition for disincorporation signed by not less than twenty-five percent (25%) of the number of qualified electors casting votes at the last election of land-based port district commissioners held there, submit the question of whether such district shall disincorporate to the electors of the district. Such election shall be held in accordance with title 34, Idaho Code.

(2) In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Disincorporation of Port of Yes."

"Disincorporation of Port of No."

(Giving the name of the land-based port district.)

(3) The votes shall be canvassed in the same manner as in other elections. If the canvass of votes shows that less than two-thirds (2/3) of the votes cast were in favor of disincorporation, the commission shall declare the petition for disincorporation denied, in which event no other election shall be held on the question of disincorporating the district until the expiration of two (2) years from the date of the election so held. If it is found by the canvass of votes that two-thirds (2/3) of all the votes cast were in favor of disincorporation, the commission shall certify such election results to the boards of commissioners of the county or counties in which the district is located.

(4) The board or boards of commissioners of the county or counties shall thereupon enter an order that the district be disincorporated, said order to take effect at the end of the calendar year in which the election was held, but in no event less than thirty (30) days from the date of the holding of the election.

(5) All proceedings following entry of the order of disincorporation shall be conducted to the extent practicable in the same manner as is provided for the disincorporation of municipal corporations under sections 50-2206 through 50-2214, Idaho Code; provided that in no event shall disincorporation be effective until all indebtedness of the district has been paid or duly provided for; and provided, further, that no district may incur new or additional indebtedness after an order for disincorporation has been entered.

(6) In the case of a regional land-based port district, the requirements of this section must be met independently in each county included within the regional district. In the event voters in any county within the district fail to pass the proposition for disincorporation, disincorporation shall not occur, whether or not the proposition was passed in another county or counties within the regional district. Elections for disincorporation in the relevant counties shall be held simultaneously."

CORRECTIONS TO TITLE

On page 1, in line 2, delete "SECTION 70-1101, IDAHO CODE, TO PROVIDE"; and delete lines 3 through 19 and insert: "TITLE 70, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 22, TITLE 70, IDAHO CODE, TO PROVIDE FOR LAND-BASED PORT DISTRICT AUTHORIZATION,

OBJECTS AND PURPOSES, TO PROVIDE FOR FORMATION OF LAND-BASED PORT DISTRICTS, TO PROVIDE FOR FORMATION OF REGIONAL LAND-BASED PORT DISTRICTS, TO PROVIDE FOR THE FILING AND CERTIFICATION OF PETITIONS FOR THE FORMATION OF LAND-BASED PORT DISTRICTS, TO PROVIDE FOR THE TRANSMISSION OF PETITIONS FOR THE FORMATION OF LAND-BASED PORT DISTRICTS TO CERTAIN GOVERNING BODIES, TO PROVIDE FOR ELECTIONS ON THE ISSUE OF THE FORMATION OF LAND-BASED PORT DISTRICTS AND TO PROVIDE FOR NOTICE, TO DESIGNATE THE FORM OF BALLOT FOR THE FORMATION OF A LAND-BASED PORT DISTRICT, TO PROVIDE FOR LAND-BASED PORT DISTRICT FORMATION, TO PROVIDE FOR ANNEXATION OF LAND TO LAND-BASED PORT DISTRICTS, TO PROVIDE FOR THE CERTIFICATION OF PETITIONS FOR ANNEXATION, TO PROVIDE FOR ELECTIONS ON THE ISSUE OF ANNEXATION, TO PROVIDE FOR THE CANVASS AND DECLARATION OF ELECTION RESULTS RELATING TO ANNEXATION, TO PROVIDE FOR THE ENTRY OF AN ORDER OF ANNEXATION AND TO PROVIDE FOR LIABILITIES FOR OUTSTANDING INDEBTEDNESS, TO PROVIDE FOR COMMISSIONERS AND COMMISSIONER DISTRICTS, TO PROVIDE FOR COMMISSIONER QUALIFICATIONS, TO PROVIDE FOR THE FIRST ELECTION OF COMMISSIONERS, TO PROVIDE FOR COMMISSIONERS FOR ANNEXED AREAS, TO PROVIDE FOR THE REVISION OF COMMISSIONER DISTRICTS, TO PROVIDE FOR PUBLIC MEETINGS ON THE ISSUE OF THE REVISION OF COMMISSIONER DISTRICTS AND TO PROVIDE FOR NOTICE, TO PROVIDE THAT THE REVISION OF COMMISSIONER DISTRICTS SHALL NOT AFFECT EXISTING TERMS OF OFFICE, TO PROVIDE FOR THE APPLICATION OF DESIGNATED LAW RELATING TO PORT DISTRICTS AND TO PROVIDE CERTAIN EXCEPTIONS TO THE APPLICATION OF CERTAIN PORT DISTRICT LAWS AND TO PROVIDE FOR DISINCORPORATION."

SENATE AMENDMENT TO H 150 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 through 43; and on page 2, delete lines 1 and 2 and insert:

"(2) To the degree that a department action is based on science, in proposing any rule or portions of any rule subject to this section, the department shall utilize:

(a) The best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

(b) Data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justifies use of the data.

(3) Any proposed rule subject to this section which proposes a standard necessary to protect human health and the environment shall also include in the rulemaking record requirements under chapter 52, title 67, Idaho Code, the following additional information:

(a) Identification of each population or receptor addressed by an estimate of public health effects or environmental effects; and

(b) Identification of the expected risk or central estimate of risk for the specific population or receptor; and

(c) Identification of each appropriate upper bound or lower bound estimate of risk; and

(d) Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty; and

(e) Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.

(4) The department shall also include a summary of the information required by subsection (3) of this section in the notice of rulemaking required by chapter 52, title 67, Idaho Code.

(5) Any rule promulgated or adopted by the board which is broader in";

delete lines 8 through 13 and insert: "which regulate an activity not regulated by the federal government.

(36) Nothing provided herein is intended to alter the scope or effect of".

CORRECTION TO TITLE

On page 1, delete lines 4 through 6 and insert: "MENT OF ENVIRONMENTAL QUALITY SHALL UTILIZE THE BEST AVAILABLE PEER REVIEWED SCIENCE AND SUPPORTING STUDIES CONDUCTED IN ACCORDANCE WITH SOUND AND OBJECTIVE SCIENTIFIC PRACTICES AND DATA COLLECTED BY ACCEPTED METHODS OR BEST AVAILABLE METHODS IF THE RELIABILITY OF THE METHOD AND THE NATURE OF THE DECISION JUSTIFIES USE OF THE DATA WHEN PROPOSING RULES AND TO PROVIDE FOR A SUMMARY OF CERTAIN INFORMATION IN THE NOTICE OF".

SENATE AMENDMENT TO H 64, As Amended

AMENDMENT TO SECTION 2

On page 2 of the engrossed bill, delete lines 13 through 40 and insert:

"67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. ~~(4) The provisions of this chapter shall not apply to owner of a nonresident, noncommercial owner who has a snowmobile which is currently numbered or licensed by his resident shall not be required to comply with the registration requirements of the state or province, provided that the resident state or province does not charge a snowmobiling fee to of Idaho residents. If but shall be required to obtain a nonresident operates a snowmobile in this state for a period in excess of fifteen (15) consecutive days, the owner shall be liable for and shall pay to the director or his agent the fee as provided in section 67-7103, Idaho Code.~~

~~(2) Notwithstanding the provisions of subsection (1) of this section, all nonresident operators of snowmobiles used in Idaho shall comply with one (1) of the following requirements:~~

~~(a) The snowmobile shall be registered in Idaho and the certificate of number shall be displayed in the manner provided in section 67-7103, Idaho Code; or~~

~~(b) The nonresident shall obtain a nonresident snowmobile user certificate. A fee upon payment of twenty dollars (\$20.00) and the shall be imposed for the issuance of a nonresident snowmobile user certificate. The certificate of number shall be displayed in~~

the same manner as provided in section 67-7103, Idaho Code. Such certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in section 67-7103, Idaho Code, for numbering of snowmobiles.

(31) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

CORRECTIONS TO TITLE

On page 1, in line 5, delete "PROVIDE APPLICATION OF THE NUM-"; delete line 6, and insert: "REVISE PROVISIONS RELATING TO NONRESIDENT, NONCOMMERCIAL SNOWMOBILE OWNERS, TO PROVIDE FOR NONRESIDENT SNOWMOBILE USER CERTIFICATES".

SENATE AMENDMENT TO H 9, As Amended AMENDMENTS TO SECTION 1

On page 3 of the engrossed bill, in line 3, following "burial" insert: ", cremation"; and in line 30, delete "or cremation".

AMENDMENT TO SECTION 3

On page 5, following line 17, insert:

"(4) Notwithstanding any other provision of law, the person having the right to control the disposition of the remains of the deceased person pursuant to section 54-1142, Idaho Code, or such person's designee, or a licensed funeral director, may initiate the process of cremation by operation of the retort while under the direct personal supervision of a licensed mortician."

CORRECTION TO TITLE

On page 1, in line 11, following "CODE," insert: "TO PROVIDE THAT CERTAIN PERSONS MAY INITIATE THE PROCESS OF CREMATION BY OPERATION OF THE RETORT UNDER THE DIRECTION OF A LICENSED MORTICIAN,".

SENATE AMENDMENT TO H 199, As Amended AMENDMENTS TO SECTION 1

On page 2 of the engrossed bill, in line 10, following "board" insert: "or a designated Idaho licensed chiropractic physician"; and in line 25, following "board" insert: "or a designated Idaho licensed chiropractic physician".

AMENDMENT TO SECTION 2

On page 2, in line 43, following "board," insert: "or a designated Idaho licensed chiropractic physician,".

The Committee also has **H 52**, **S 1133**, **H 169**, as amended, **H 218**, **H 136**, and **H 177** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

S 1090, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 150, as amended in the Senate, **H 64**, as amended, as amended in the Senate, **H 9**, as amended, as amended in the Senate, and **H 199**, as amended, as amended in the Senate, were filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 9:30 a.m., Monday, March 24, 2003.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary